

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

Claims 1-15 remain pending in the application.

Claims 1-14 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that amended claim 1 recites the inner wrapper is "capable of transmitting heat or steam" to the outer package." This has been deleted from independent claims 1 and 15, thereby rendering the rejection moot.

Claims 1, 5, 11, 13 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by Levinson (U.S. 4,390,554). Claim 2, 6, 9, and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Levinson (U.S. 4,390,554) as applied to claims 1, 5, 11, 13, and 15 in view of Borek (U.S. 4,219,573). Claims 1, 3-5, 7, 11-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Engstrom et al. (U.S. 4,734,288) in view of Cox (U.S. 5,679,278). Claims 2, 6, and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Engstrom et al. (U.S. 4,734,288) in view of Cox (U.S. 5,679,278) as applied to claims 1, 3-5, 7, 11-14 above, further in view of Borek (U.S. 4,219,573). Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Engstrom et al. (U.S. 4,734,288) in view of Cox (U.S. 5,679,278) as applied to claims 1, 3-5, 7, 11-14 above, further in view of Smart et al. (U.S. 4,890,439). These rejections are respectfully traversed.

Claims 1 and 15 require that “a portion of the outer package is melted to permit removal of the inner wrapper from the outer package” This feature is not present in any of the cited references.

One layer of heat-concentrating material causes the melting of a portion of the outer package to permit the removal of the inner wrapper from the outer package during heating of the assembly in a microwave oven. The packaging assembly of the application can be used to cook popcorn in microwave ovens without the necessity of remove manually the outer package of plastic material when the packaging is introduced inside the oven. In conventional packaging, this previous step of removing the outer package is necessary. In Applicant's invention, the packaging can also be used in automatic machines without requiring any human handling of the packaging.

Accordingly, Levinson does not anticipate the present invention as recited in independent claim 15. Thus, the rejection under 35 USC §102(b) should be withdrawn and the application be forwarded to issue. Also, the present invention is not obvious in view of Levinson and Borek. Thus, the rejection under 35 USC §103(a) should be withdrawn and the application forwarded to issue. Accordingly, the present invention is not obvious in view of Engstrom and Cox. Thus, the rejection under 35 USC §103(a) should be withdrawn and the application should be forwarded to issue.

Accordingly, no claims depending from an independent claim that recites unobvious matter is obvious in light of the same references. Accordingly, the rejection under 35 USC §103(a) should be withdrawn and the application be forwarded to issue. As discussed, the present invention, as recited in amended independent claims 1 and 15, is not obvious in view of any of the cited reference. Accordingly, no claims depending from an independent claim that recites unobvious matter is

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obvious in light of the same references. Accordingly, the rejection under 35 USC §103(a) should be withdrawn and the application be forwarded to issue.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

A petition for a one-month extension and the requisite fee is attached herewith. In the event that any other fees are required for the entry of this Amendment, the Commissioner is hereby specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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